



Serial No. 10/046,726

Attorney Docket No. 53394.000607

10/Election 9/9/03
H.W. 3724

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Douglas R. FREDERISY)
Serial No.: 10/046,726)
Filed: January 17, 2002)
Examiner: Ghassem ALIE
Group Art No.: 3724

For: APPARATUS AND METHOD FOR ASSEMBLING GARMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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**SECOND RESPONSE TO ELECTION/RESTRICTION
REQUIREMENT AND TRAVERSE THEREOF**

Sir:

Introduction

An Office action was issued in the above-referenced application on May 30, 2003 (the "First Office Action"). The First Office Action included a requirement for election between twelve allegedly patentably distinct species. The First Office Action further alleged that no claim is generic.

In response to the First Office Action, Applicant filed an Election with Traverse on June 30, 2003, in which Applicant elected, with traverse, Species VI (Fig. 7) and claims 22, 24, 25, 26 and 29 reading thereon.

In response to Applicant's Election, the Examiner issued another Office Action, dated July 29, 2003 (the "Second Office Action"), indicating that Applicant's Election was not clear. Specifically, the Examiner alleged that "[i]f other claim including claim

13 and 22 and 36 read on elected species VI (Fig. 7) why were these claims not grouped with the other claims under elected species VI (Fig. 7)?"

On August 14, 2003, Applicant's representative contacted the Examiner by telephone to discuss the Second Office Action and attempt to clarify apparent unclear language in the Second Office Action. Specifically, Applicant's representative noted that, while claim 22 was elected in the original election, the above-quoted language from the Second Office Action suggested that Applicant had not done so. Furthermore, the Examiner's language appears to suggest that the Applicant stated that claim 13 read on Species VI, whereas the Applicant had, in fact, stated that claim 13 did not read on Species VI. No agreement was made with respect to these apparent unclear statements because the Examiner did not have the patent application file at hand, however, the Examiner indicated that the Applicant should simply re-file the Election indicating all claims that the Applicant believed read on Species VI. The Applicant hereby submits the following Election in response to the Examiner's request.

Okay
Confirmed by the Examiner

Election

Applicant hereby elects Species VI (Fig. 7) and claims 1, 22, 24-26, 29 and 36 reading thereon.

Traverse

Applicant hereby traverses the Election Requirement on the grounds as set forth in the Election filed on June 30, 2003, which is incorporated herein by reference.

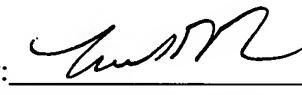
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CONCLUSION

Applicant believes that the above election satisfies the Examiner's request to correct the first Election. If the Examiner believes that there are issues that remain to be resolved, the Examiner is encouraged to telephone the undersigned Applicant's representative to discuss and expeditiously work towards a resolution of those issues.

Respectfully submitted,
HUNTON & WILLIAMS

Dated: August 26, 2003

By: 
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